



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
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11 Apr 1996

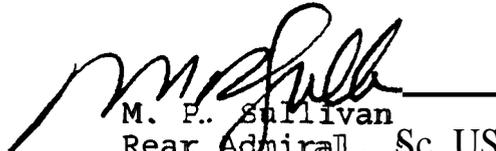
MEMORANDUM FOR HEADS OF THE CONTRACTING ACTIVITIES

Subj : DEBRIEFINGS

Encl: (1) OFPP memorandum: "Debriefings" dated March 1, 1996

Via enclosure (1), the Administrator, Office of Federal Procurement Policy points out continued industry complaints about inadequate debriefings and reemphasizes that timely debriefings that provide for a meaningful exchange of information eliminate or reduce protests and improve customer-supplier relationships between the Government and industry. Debriefings should include that releasable information necessary to present the Government's position in an effective manner and provide offerors insights on how to improve their competitive standing.

Recent experience illustrates the importance of successful debriefings and demonstrates the value of going beyond the minimum required by the written rules to ensure effective communication between all concerned parties. Specifically, during debriefings on a recent production and design agent contract the Navy brokered an agreement between the successful and unsuccessful offerors for outside attorneys to review the Navy's cost report, cost related discussion questions and pertinent portions of the business clearance concerning responsibility. The unsuccessful offeror indicated that providing access to this information prevented a protest and possible litigation.


M. P. Sullivan
Rear Admiral, Sc, USN
Deputy for Acquisition and
Business Management

copy to:
PEOS
DRPMs
CNO
CMC



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

OFFICE OF FEDERAL
PROCUREMENT POLICY

March 1, 1996

MEMORANDUM FOR SENIOR AGENCY PROCUREMENT EXECUTIVES
AND THE DEPUTY UNDER SECRETARY OF DEFENSE
(ACQUISITION REFORM)

FROM : Steven Kelman
Administrator

SK

SUBJECT : Debriefings

I recently received the enclosed communication from the Contract Services Association (CSA), a trade association representing many service contractors and a responsible voice for good supplier-customer relations in federal acquisition. It responded to my request to them to ask their member firms during one of their meetings to raise issues or concerns they wanted me to know about.

CSA member firms report they are continuing to experience problems at some contracting activities with the quality of debriefings. I would be grateful if you could share their thoughts with your contracting activities for appropriate response. A key feature of reinventing procurement is to establish more trusting, value-added relationships between us and our contractors. Experience from the commercial world suggests that close supplier-customer relationships create a win-win for us as the government customer and for those who sell to us. This is why we have been so energetic in pursuing bid protest reform, to reduce litigation that destroys partnership. I believe that honest, forthcoming debriefings will further the goal of reducing distrust and promoting partnership.

I would be grateful if you could share with me success stories from your contracting activities of benefits produced by improved debriefings -- as well as any problems that changed debriefing policies might conceivably be creating.

Attachment

ENCLOSURE()

96-175



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*Purring the private sector to work...
for the public good.*

February 19%

Memorandum for Steven Kelman

From: Gary Engebretson
Stan

RE Debriefing Issues

As we indicated in our February 6th correspondence, member companies are continuing to experience difficulties in the debriefing process. Moreover, the difficulties involved would appear to reflect problems that can and should be addressed in short order.

The most common complaint we have heard is that debriefings, while somewhat improved (depending on the agency or buying activity involved), are still inadequate. Information is withheld for various reasons; the agency approach to the debriefing itself is not constructive and appears to be rarely a concern. As a result we have spent considerable time discussing the issues and concerns among our membership at large and within our procurement committee. We have come up with the following recommendation and urge that you make it a part of the debriefing rules:

- (1) every debrief shall include the automatic release of all information that would otherwise be releasable through the discovery process; in other words, with the exception of information fairly deemed proprietary to other bidders or which cannot, due to other rules, be released, the debriefing would result in the sharing of the entirety of the agency record.

This recommendation seems to us to be both straightforward and reasonable. Debriefings are meant to be meaningful information exchanges, which serve to effectively communicate key information to the offeror and, at the same time, diminish the likelihood of a protest (the evidence clearly suggests that a sound debriefing is the best tool for reducing the number of protests). To achieve that goal the full sharing of all important information at the very beginning of the post-decision process is crucial and any withholding of information that is pertinent to the situation is unacceptable.

We hope this is helpful and look forward to talking with you more about